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Tribunal moves on additional inquiries

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The Khmer Rouge tribunal opened the door to investigations of additional suspects Wednesday, ending a nine-month disagreement between the national and international co-prosecutors and reigniting a debate about whether further indictments would jeopardise national stability.

The disagreement emerged in November, when former international co-prosecutor Robert Petit told his Cambodian colleague, Chea Leang, that he wished to file supplementary submissions for the court's second case - currently set to try four top Khmer Rouge leaders - as well as introductory submissions for two additional cases.

Chea Leang opposed the idea, arguing in later filings that peace, stability and national reconciliation could be compromised, and that "ex-members and those who have allegiance to Khmer Rouge leaders may commit violent acts" if additional investigations were allowed to proceed.

In a filing dated August 18 and made public Wednesday, the tribunal's five-person Pre-Trial Chamber said it had failed to reach a decision on the disagreement. The tribunal's internal rules held that Petit's proposed submissions with the Office of the Co-Investigating Judges would be allowed to go forward in the absence of a "supermajority", or four-to-one vote.

The chamber split along national and international lines, with the three Cambodian judges ruling against the filing of additional submissions.

Acting international co-prosecutor William Smith told the Post that he was "pleased to get the decision". Chea Leang declined to comment in detail before conferring with Smith.

Petit, whose resignation went into effect Tuesday, had reportedly identified six more suspects as of December, though he declined to comment on the number in his farewell press conference.

Smith said Wednesday that his office had yet to decide whether to make the number or other details public when submissions are filed.

Prime Minister Hun Sen has said more indictments could jeopardise national stability, and in March he said he would "prefer to see the court fail than for war to come back to Cambodia".

Council of Ministers spokesman Phay Siphon said Wednesday that he could not comment on the August 18 filing because he had not seen it.

Long Panhavuth, a court monitor for the Cambodia Justice Initiative, dismissed concerns that more investigations would lead to violence.

He said the decision to allow further submissions was evidence of the court's "independence and integrity".

Sharp criticism of the decision came from former Khmer Rouge cadres, including Meas Muth, an army divisional commander who was cited as a possible suspect in the 2001 report "Seven Candidates for Prosecution: Accountability for the Crimes of the Khmer Rouge", by Stephen Heder and Brian D Tittlemore.

"Why are they trying to make problems for living persons to find justice for the dead?" Meas Muth asked. "To satisfy the dead will not bring any good results and will instead lead to splits in society."

He added, though, that he was not concerned for himself.

"I have nothing to worry about," he said. "I have rice, vegetables and fruit to eat, and I sleep well. I did not commit any crimes directly. Only the top leaders did, and they know who they are."

Also Wednesday, former Tuol Sleng prison chief Kaing Guek Eav, alias Duch, testified that he became a Christian in part to prevent his daughter from becoming a whore.

Duch said he became particularly concerned about the welfare of his children after his wife was slain in 1995.

"I picked Christianity because I wanted to make sure that my children would be taken care of after I passed away," Duch said. "When I die, my children will be under the good care of the people at the church, and my daughter will not end up being a whore."